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28 *Attorneys for Federal Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATURAL RESOURCES DEFENSE  
COUNCIL, INC., et al.,

Plaintiffs,

v.

DEPARTMENT OF ENERGY, et al.,

Federal Defendants.

Civ. No. 04-cv-04448 SC (BZ)

**STIPULATION EXTENDING  
DEADLINE FOR FURTHER  
BRIEFING ON PLAINTIFFS'  
NOVEMBER 13, 2007 "PETITION  
FOR AN AWARD OF ATTORNEYS'  
FEES AND COSTS," DKT. NO. 76**

Whereas Plaintiffs NATURAL RESOURCES DEFENSE COUNSEL and COMMITTEE TO BRIDGE THE GAP, and the FEDERAL DEFENDANTS (collectively the "Parties"), have reached an agreement (attached) that resolves Plaintiffs' pending Petition for Attorneys' Fees and Costs (DN 76);

Whereas, pursuant to that agreement, Plaintiffs have agreed to dismiss their Petition for Attorneys' fees and Costs upon receipt of the agreed-upon payment; and

Whereas the Federal Defendants anticipate providing payment to Plaintiffs within approximately 90 days;

Whereas, the parties agree that, in light of this agreement, it would serve the interests of the parties and of judicial economy to stay further briefing on the pending Petition for Attorneys' Fees and Costs;

Whereas the Court has Ordered that by February 15, 2008, the parties file either a Stipulation resolving the Fee Petition or a schedule for briefing on the Petition; and

Whereas a motions hearing on the Fee Petition is presently scheduled for April 25, 2008;  
**IT IS HEREBY AGREED AND THE PARTIES STIPULATE**, subject to the Court's approval, as follows:

Stipulation Extending Deadline For  
Further Briefing on Fee Petition  
Case No. 04-cv-04448 SC (BZ)

1           1.       Upon receipt of the payment provided in the attached agreement, Plaintiffs shall  
2 promptly file a Notice withdrawing their pending Fee Petition;

3           2.       In the event the Federal Defendants have not provided Plaintiffs with the payment  
4 provided in the attached agreement by May 15, 2008, the parties shall file a schedule for briefing  
5 the merits of the Fee Petition at that time;

6           3.       The motions hearing is hereby canceled, and in the event the parties file a briefing  
7 schedule for the Fee Petition, they shall renotice the motion at that time.  
8

9           Dated: February 15, 2008.

Respectfully submitted,

10                   ***For Plaintiffs Natural Resources Defense***  
11                   ***Council and Committee to Bridge The***  
12                   ***Gap:***

13                   /s/ Howard M. Crystal  
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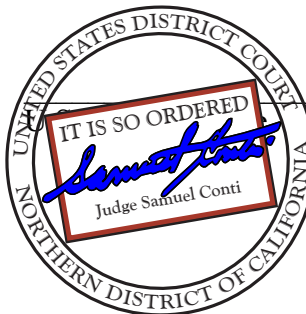
***For Federal Defendants:***

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Assistant Attorney General  
United States Department of Justice  
Environment & Natural Resources Division

/s/ Andrew A. Smith  
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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 2/19/08



Stipulation Extending Deadline For  
Further Briefing on Fee Petition  
Case No. 04-cv-04448 SC (BZ)

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DEPARTMENT OF ENERGY, et al.,

Federal Defendants.

Civ. No. 04-cv-04448 SC (BZ)

**PLAINTIFFS' AND FEDERAL  
DEFENDANTS' JOINT  
STIPULATION RESOLVING  
PLAINTIFFS' NOVEMBER 13, 2007  
"PETITION FOR AN AWARD OF  
ATTORNEYS' FEES AND COSTS,"  
DKT. NO. 76**

1 In the interests of judicial economy, and to avoid litigating Plaintiffs' November 13, 2007  
2 "Petition for an Award of Attorneys' Fees and Costs," Dkt. No. 76, Plaintiffs Natural Resources  
3 Defense Council and Committee to Bridge the Gap (hereinafter "Plaintiffs") and Federal  
4 Defendants hereby stipulate and agree as follows:

- 5 1. Federal Defendant U.S. Department of Energy ("DOE") will pay Plaintiffs a lump  
6 sum total of two hundred thirty thousand dollars (\$230,000.00) in full and  
7 complete satisfaction of any and all claims for attorneys' fees, costs, and expenses  
8 that Plaintiffs have or may have in the above-captioned case. Payment in that  
9 amount shall be made by electronic funds transfer to Plaintiffs through Plaintiffs'  
10 counsel in accordance with information provided by Plaintiffs. Nothing in this  
11 Joint Stipulation shall be interpreted as, or shall constitute, a commitment or  
12 requirement that Federal Defendants obligate or pay funds exceeding those  
13 available, or take any other action in contravention of the Anti-Deficiency Act, 31  
14 U.S.C. § 1341, or any other applicable appropriations law.  
15
- 16 2. Plaintiffs agree that Plaintiffs' receipt of this payment shall operate as a release of  
17 any and all claims and future claims for attorneys' fees, costs, and expenses that  
18 Plaintiffs may seek in the above-captioned case. Upon receipt of the payment,  
19 Plaintiffs shall execute and send a letter confirming receipt to counsel for Federal  
20 Defendants. Upon receipt of the payment, Plaintiffs also will immediately  
21 withdraw with prejudice their November 13, 2007 "Plaintiffs Natural Resources  
22 Defense Council and Committee to Bridge the Gap's Petition for an Award of  
23 Attorneys' Fees and Costs," Dkt. No. 76, and any and all claims for attorneys' fees,  
24 costs, and expenses presented therein or otherwise.  
25
- 26 3. The undersigned representatives of Plaintiffs and Federal Defendants certify that  
27  
28

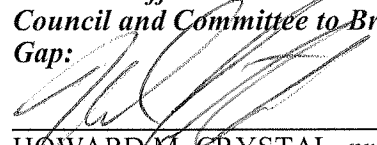
they are fully authorized by the party or parties whom they represent to enter into the terms and conditions of this Joint Stipulation and to legally bind the parties to it.

4. This Joint Stipulation does not constitute an admission by any party to any fact, claim, or defense on any issue in this lawsuit. Nothing in this Joint Stipulation shall be construed as an admission that the position of Federal Defendants in this litigation was not substantially justified.
5. This Joint Stipulation represents the entirety of Plaintiffs' and Federal Defendants' commitments with regard to settlement. The terms of this agreement shall become effective upon filing this Joint Stipulation with the Court.

Dated: February 15, 2008.

Respectfully submitted,

***For Plaintiffs Natural Resources Defense Council and Committee to Bridge The Gap:***

  
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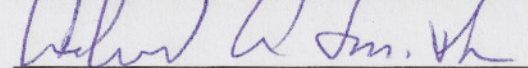
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